

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The undersigned expresses appreciation to Examiner Nguyen and Examiner Woo for their time and attention during the interview conducted at the U.S. Patent and Trademark Office on December 14, 2004. The remarks below discuss the substance of the interview.

The issues raised at the top of page two of the Official Action have been addressed by incorporating most of the Examiner's helpful suggestions, except that instead of using the term "increasable", Claims 21 and 22 have been amended to recite --adapted to be increased--. In the event the Examiner prefers the term suggested in the Official Action rather than the language incorporated into Claims 21 and 22, the Examiner is kindly asked to contact the undersigned. The aforementioned changes do not narrow the claim scope, but rather merely express in different terms that which was originally recited.

The claims directed to the non-elected species have been canceled. All of the claims currently pending in this application are readable on the elected species. Applicant reserves the right to file a divisional application containing claims directed to the non-elected species.

During the interview, the undersigned explained that the subject matter of this application pertains to a blood vessel extroverting instrument used to turn the end of a blood vessel inside out. The undersigned discussed the various features associated with the claimed blood vessel extroverting instrument recited in the independent claims. In addition, the undersigned explained that U. S. Patent No.

5,941,896 to *Kerr* discloses a filter for trapping emboli during endovascular procedures. More specifically, the undersigned pointed out that the filter disclosed in *Kerr* is not a blood vessel extroverting instrument used to turn the end of a blood vessel inside out.

Examiner Nguyen and Examiner Woo noted that while the filter disclosed in *Kerr* is not intended to be used as a blood vessel extroverting instrument to turn the end of a blood vessel inside out, the independent claims do not set forth sufficient structure to distinguish over the structure of the filter disclosed in *Kerr*.

In light of this position, the undersigned proposed during the interview adding language to one or more of the independent claims defining that the supporting portion comprises a pair of arms each having a distal end connected to the ring portion, with the diameter of the ring portion being changeable by changing the distance between the distal ends of the pair of arms. Examiner Nguyen and Examiner Woo indicated that subject to final review upon the filing of a response, such language would appear to distinguish over the filter disclosed in *Kerr* which clearly does not include a pair of arms connected to a ring portion, with the diameter of the ring portion being changeable by changing the distance between the distal ends of such arms.

In light of the foregoing, independent Claims 21 and 22 have been amended to recite the aforementioned features associated with the blood vessel extroverting instrument at issue here. It is thus respectfully submitted that independent Claims 21 and 22, and the various dependent claims, are patentably distinguishable over the disclosure contained in *Kerr*.

During the interview, Examiner Nguyen and Examiner Woo suggested considering the use of means plus function language to structurally distinguish the claimed blood vessel extroverting instrument over the filter disclosed in *Kerr*. That suggestion has not been adopted in light of the amendments made to independent Claims 21 and 22.

Also presented in this Amendment is new independent Claim 25. This independent claim defines that the blood vessel extroverting instrument comprises an annular ring portion positionable inside the blood vessel and adapted to be brought into contact with the inside of the end of the blood vessel, and a supporting portion on which the ring portion is supported, with the supporting portion comprising a tubular insertion portion. A portion of the wire-like member forming the ring portion extends into the tubular portion and is connected to a slider portion which is movable relative to the insertion portion to adjust the outer circumference of the ring portion between a relatively small outer circumference permitting the ring portion to be introduced into the inside of the end of the blood vessel and a relatively larger outer circumference after the ring portion has been introduced into the inside of the blood vessel to permit the blood vessel to be turned inside out.

This claimed blood extroverting instrument differs from the filter disclosed in *Kerr* in that the filter does not include a portion extending into a tubular insertion portion of a supporting portion and connected to a slider portion which is movable relative to the tubular insertion portion to adjust the outer circumference of the ring portion in the manner recited in independent Claim 25. It is thus respectfully submitted that independent Claim 25 is also patentably distinguishable over the disclosure in *Kerr*.

New dependent Claim 26 recites that at least a portion of the ring portion is positioned outside the tubular portion both before and during introduction of the ring portion into the inside of the blood vessel. Once again, this is not disclosed in *Kerr*.


Finally, new independent Claim 27 is directed to a method of turning the end of a blood vessel inside out. The claimed method is clearly not disclosed in *Kerr* as *Kerr* is not concerning with utilizing an instrument for purposes of turning the end of a blood vessel inside out. It is thus respectfully submitted that independent Claim 27 is also allowable.

Should any questions arise in connection with this application, or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 11, 2005

By: 
Matthew L. Schneider
Registration No. 32,814

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620